

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL W. JOHNSON,  
Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO,  
Defendant.

Case No. [16-cv-02913-SI](#)

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 22

Defendant's motion for judgment on the pleadings is scheduled for a hearing on September 27, 2016. Plaintiff's opposition to the motion was due August 26, 2016. Plaintiff did not file an opposition, and plaintiff has taken no action in this case since defendant filed its motion. Defendant's motion states that prior to removal the state court sustained a demurrer to the original complaint, and plaintiff requested leave to file an amended complaint. Defendant's motion argues that the first amended complaint ("FAC") fails to state a claim under the Americans with Disabilities Act because the FAC does not allege any facts in support of that claim. The FAC is a state form complaint that contains no attachments or statement of facts.

The Court hereby VACATES the September 27, 2016 hearing. Plaintiff is ORDERED TO SHOW CAUSE in writing no later than September 7, 2016, why this case should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). **If plaintiff fails to respond to this order, the Court will dismiss this case with prejudice. If plaintiff wishes to prosecute this case, he must so inform the Court and the Court will set a new briefing schedule and hearing on defendant's motion for judgment on the pleadings.**

**IT IS SO ORDERED.**

Dated: August 29, 2016



SUSAN ILLSTON  
United States District Judge